THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.9189 OF 2005

DATED: 30-07-2007

BETWEEN

Mohammad Shaker, S/o. Mohammed
Zahooruddin, Occ: Business,
R/o.H.No.9-4-134/66, Aruna Colony,
Tolichowki, Hyderabad.

...PETITIONER

AND

The Commissioner of Police,
Hyderabad and another.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the second respondent – the Inspector of Police, Golconda Police Station, Hyderabad, in interfering with his peaceful possession over the house bearing H.No.9-4-134/66, Aruna Colony, Tolichowki, Hyderabad.

2. Counter has been filed by the second respondent stating that the respondents never interfered with the civil disputes of the petitioner with regard to aforesaid property and the allegations of the petitioner that, as he refused the advise of the police officials insisting upon him to vacate the said premises, they have threatened him to throw out of the said premises, are all denied and that they are invented for the purpose of the writ petition. It is further stated that one Mr. Atluri Suresh S/o. late Atchuta Rama Rao, filed a private complaint, which was referred under Section 156(3) of the Code of Criminal Procedure and based on the said complaint a case in Cr.No.28 of

2005 was registered on 29.01.2005 against the petitioner under Sections 463, 464, 468 and 441 of the Indian Penal code, 1860.

It is further stated that the respondents never interfered with the peaceful possession and enjoyment of the petitioner with regard to the said property.

Having regard to the facts and circumstances of the case,

the writ petition is accordingly disposed of directing the first respondent to complete the investigation in Cr.No.28 of 2005 dated 29.01.2005 as expeditiously as possible in accordance with law. Insofar as the civil disputes are concerned, the police cannot interfere as it is for the civil Court to settle the civil disputes. There shall be no order as to costs.

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V. ESWARAIAH, J

July 30, 2007
DSK